

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: ETHICON, INC.
PELVIC REPAIR SYSTEMS
PRODUCTS LIABILITY LITIGATION

MDL NO. 2327

THIS DOCUMENT RELATES TO:

Theresa Garrett, et al. v. Ethicon, Inc., et al.

Civil Action No. 2:17-cv-0719

ORDER

(Dismissing the Ethicon Defendants with Prejudice
and Transferring Case to MDL 2326)

Pending is a Joint Motion to Dismiss with Prejudice filed by the plaintiffs, by counsel, and defendants Ethicon, Inc., and Johnson & Johnson (collectively “Ethicon”) by counsel [ECF No. 16]. Also pending is plaintiffs’ Motion to Transfer MDLs. [ECF No. 16]. The Motions seek an order (1) granting dismissal of Ethicon as a defendants in this action with prejudice because all claims against Ethicon have been settled; and (2) transferring the case to the appropriate remaining MDL.

After careful consideration, it is **ORDERED** that

(1) the Joint Motion to Dismiss with Prejudice and plaintiffs’ Motion to Transfer MDLs is

GRANTED;

(2) Defendants Ethicon, Inc. and Johnson & Johnson are **DISMISSED WITH PREJUDICE**
as defendants in this action;

(3) this action is **TRANSFERRED** to MDL 2326;

(4) pursuant to Ethicon MDL Pretrial Order No 280 as amended by PTO No 303 (Amended

Docket Control Order –Ethicon, Inc. Wave 8 Cases), which states the following,

Transfer of any Wave 8 case to any other MDL, whether by ruling upon a motion from plaintiff or defendants or *sua sponte* by the court, does not relieve the plaintiff or any remaining defendant(s) from the deadlines of a Docket Control Order. Any cases transferred into C. R. Bard, Inc. (“Bard”), Boston Scientific Corporation (“BSC”) or American Medical Systems, Inc., (“AMS”) MDLs will immediately be subject to the Docket Control Order entered in that MDL on January 30, 2018, and any Amended Docket Control Orders.


this case, which resided in Ethicon Wave 8, is now subject to PTO Nos. 175 and 187 entered in MDL 2326; and

- (5) to the extent an Amended Short Form Complaint has not been filed, the court **DIRECTS** plaintiffs’ counsel to file the appropriate Amended Short Form Complaint within two weeks of the date of this Order.

The court **DIRECTS** the Clerk as follows:

- (1) disassociate this civil action as a member case in MDL 2327 and re-associate it with MDL 2326;
- (2) file MDL 2326, PTO Nos 175 and 187 in the individual case;
- (3) change the 2327 Wave 8 flag to a MDL 2326 Wave 4 flag; and,
- (4) send a copy of this Order to counsel of record and any unrepresented party.

ENTER: October 22, 2018


JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE